
ASSEMBLY BILL NO. 353—ASSEMBLYWOMEN DURAN AND TORRES

MARCH 22, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing sexual misconduct in public schools. (BDR 34-768)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 13, 15-17, 22-27)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring the Office for a Safe and Respectful Learning Environment to develop a climate survey on sexual misconduct; requiring certain public schools to administer the survey to certain pupils biennially; authorizing the imposition of additional requirements for the grievance process for sexual misconduct at a public school; requiring the board of trustees of each school district and the governing body of each charter school to adopt a policy on sexual misconduct; establishing provisions relating to a memorandum of understanding between the board of trustees of a school district or the governing body of a charter school and certain organizations; requiring the board of trustees of each school district and the governing body of each charter school to appoint a victim’s advocate; prohibiting the board of trustees of a school district or the governing body of a charter school from imposing certain sanctions on certain pupils; requiring the board of trustees of a school district and the governing body of a charter school to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming relating to sexual misconduct; requiring the board of trustees of a school district and the governing body of a charter school to submit a report on certain information relating to sexual misconduct; authorizing the Department of Education to impose a fine in certain circumstances; authorizing the Department of Education to adopt regulations; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing federal law prohibits discrimination based on sex in programs or
2 activities of education that receive federal funding. (Title IX of the Education
3 Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Under
4 existing federal regulations, a local educational agency that receives federal funding
5 must follow a grievance process that complies with Title IX to address formal
6 complaints that allege an incident of sexual harassment that occurs in relation to an
7 education program or activity of the institution, including, without limitation,
8 incidents that occur on or off a campus of the institution. (34 C.F.R. §§ 106.44,
9 106.45) This bill generally expands the protections provided by Title IX.

10 **Sections 3-11** of this bill define relevant terms. **Section 12** of this bill requires
11 the Office for a Safe and Respectful Learning Environment within the Department
12 of Education to develop a climate survey on sexual misconduct. **Section 13** of this
13 bill requires each public school in this State to conduct a climate survey on sexual
14 misconduct biennially if the public school enrolls pupils in a grade level determined
15 by the Office to be an appropriate grade level in which to administer the climate
16 survey. **Section 14** of this bill sets forth the duties of the Office and the Department
17 regarding the climate survey.

18 **Section 15** of this bill requires the board of trustees of a school district and the
19 governing body of a charter school to meet certain requirements related to the
20 grievance process of the school district or charter school.

21 **Section 16** of this bill requires the board of trustees of each school district and
22 governing body of each charter school to adopt a policy on sexual misconduct and
23 sets forth certain requirements related to the adoption of the policy. **Section 17** of
24 this bill prescribes the information that must be included in a policy on sexual
25 misconduct.

26 **Section 18** of this bill authorizes the board of trustees of a school district or the
27 governing body of a charter school to enter into a memorandum of understanding
28 with an organization that assists victims of sexual misconduct and sets forth the
29 provisions that may be included in such a memorandum of understanding.

30 **Section 19** of this bill requires the board of trustees of each school district and
31 the governing body of each charter school to designate a victim's advocate and
32 provide training to the advocate. **Section 20** of this bill sets forth the duties of the
33 victim's advocate designated by the board of trustees of a school district or
34 governing body of a charter school. Under existing law, certain communications
35 between a victim and a victim's advocate are deemed to be confidential. (NRS
36 49.2546) Existing law defines a victim's advocate as a person who works for
37 certain programs that provide assistance to victims of certain acts. (NRS 49.2545)

38 **Section 33** of this bill includes the provision of services pursuant to **sections 2-32**
39 of this bill to victims of sexual misconduct in the definition of victim's advocate.
40 Existing law provides that all employees of or volunteers at a public school in this
41 State must report the abuse or neglect of a child. (NRS 432B.220) **Section 34** of
42 this bill exempts a victim's advocate from the requirements to report the abuse or
43 neglect of a child.

44 **Section 21** of this bill prohibits the board of trustees of a school district or the
45 governing body of a charter school from sanctioning a reporting party or witness
46 who reports an incident of sexual misconduct for violating a policy of conduct that
47 occurred during or related to an alleged incident of sexual misconduct.

48 **Section 22** of this bill requires the board of trustees of a school district and the
49 governing body of a charter school to provide training on the grievance process of
50 the school district or charter school to certain employees. **Section 23** of this bill
51 requires the board of trustees of a school district and governing body of a charter
52 school to provide programming on the awareness and prevention of sexual
53 misconduct to employees and certain pupils.



54 **Section 24** of this bill requires the board of trustees of a school district and the
55 governing body of a charter school to take certain actions regarding an alleged
56 incident of sexual misconduct. **Sections 26 and 27** of this bill set forth the
57 requirements for conducting an investigation and holding a hearing, respectively.
58 **Section 25** of this bill requires the board of trustees of a school district or the
59 governing body of a charter school to consider a request from a reporting party who
60 is an employee to keep the identity of the employee confidential unless state or
61 federal law requires disclosure or further action. **Section 28** of this bill authorizes
62 the board of trustees of a school district or governing body of a charter school to
63 issue a no-contact directive in certain circumstances.

64 **Section 29** of this bill authorizes a pupil who has experienced sexual
65 misconduct to request a waiver from certain requirements of academic activities in
66 order to participate in extracurricular programs.

67 **Section 30** of this bill requires the board of trustees of each school district and
68 the governing body of each charter school to submit a report on certain information
69 relating to sexual misconduct. **Section 30** of this bill also requires the Department
70 of Education to compile the reports and submit the compilation to the Director of
71 the Department of Health and Human Services and to the Legislature or Legislative
72 Committee on Education.

73 **Section 31** of this bill authorizes the Department to impose a fine against a
74 public school, board of trustees of a school district or governing body of a charter
75 school that does not comply with the requirements set forth in **sections 2-32** of this
76 bill. **Section 32** of this bill authorizes the Department to adopt regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 32, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 32 of this act, unless the*
5 *context otherwise requires, the words and terms defined in*
6 *sections 3 to 11, inclusive, of this act have the meanings ascribed*
7 *to them in those sections.*

8 **Sec. 3.** *“Domestic violence” means the commission of any*
9 *act described in NRS 33.018.*

10 **Sec. 4.** *“Reporting party” means a pupil or employee of a*
11 *public school who reports being a victim of an alleged incident of*
12 *sexual misconduct to the school.*

13 **Sec. 5.** *“Responding party” means a pupil or employee of a*
14 *public school who has been accused of committing an alleged*
15 *incident of sexual misconduct by a reporting party.*

16 **Sec. 6.** *“Sexual assault” means a violation of NRS 200.366.*

17 **Sec. 7.** *“Sexual harassment” has the meaning ascribed to it*
18 *in NRS 176A.280.*

19 **Sec. 8.** *“Sexual misconduct” means sexual violence,*
20 *domestic violence, gender-based violence or harassment, violence*



1 *based on sexual orientation, gender identity or gender expression,*
2 *sexual assault, sexual harassment or stalking.*

3 **Sec. 9.** *“Stalking” means a violation of NRS 200.575.*

4 **Sec. 10.** *“Supportive measures” has the meaning ascribed to*
5 *it in 34 C.F.R. § 106.30.*

6 **Sec. 11.** *“Trauma-informed response” means a response*
7 *involving an understanding of the complexities of sexual*
8 *misconduct, including, without limitation:*

9 1. *The neurobiological causes and impacts of trauma; and*

10 2. *The influence of social myths and stereotypes surrounding*
11 *the causes and impacts of trauma.*

12 **Sec. 12. 1.** *The Office for a Safe and Respectful Learning*
13 *Environment shall develop a climate survey on sexual misconduct*
14 *designed to be administered in each grade level that the Office*
15 *determines to be an appropriate grade level in which to administer*
16 *a climate survey on sexual misconduct. The board of trustees of a*
17 *school district or the governing body of a charter school shall*
18 *ensure that the climate survey on sexual misconduct is*
19 *administered to pupils in each grade level that the Office*
20 *determines to be an appropriate grade level in which to administer*
21 *the survey. The climate survey on sexual misconduct must:*

22 (a) *Provide school-specific data regarding the prevalence of*
23 *gender-based harassment and discrimination;*

24 (b) *Be age-appropriate;*

25 (c) *Be fair and unbiased;*

26 (d) *Be scientifically valid and reliable; and*

27 (e) *Meet the highest standards of survey research.*

28 2. *In developing the climate survey on sexual misconduct, the*
29 *Office for a Safe and Respectful Learning Environment shall:*

30 (a) *Use best practices from peer-reviewed research;*

31 (b) *Consult with persons with expertise in the development and*
32 *use of climate surveys on sexual misconduct in public schools for*
33 *various ages;*

34 (c) *Review climate surveys on sexual misconduct which have*
35 *been developed and implemented by public schools, including,*
36 *without limitation, public schools in other states;*

37 (d) *Provide opportunity for written comment from*
38 *organizations that assist victims of sexual misconduct to ensure*
39 *the adequacy and appropriateness of any proposed content of the*
40 *climate survey on sexual misconduct;*

41 (e) *Consult with public schools on strategies for optimizing the*
42 *effectiveness of the climate survey on sexual misconduct; and*

43 (f) *Account for the diverse needs and differences of the public*
44 *schools in this State.*



1 3. *The climate survey on sexual misconduct must request*
2 *information on topics related to sexual misconduct. The topics*
3 *may include, without limitation:*

4 (a) *The estimated number of alleged incidents of sexual*
5 *misconduct, both reported and not reported, at a public school, if a*
6 *pupil taking the survey has knowledge of such information;*

7 (b) *When and where an alleged incident of sexual misconduct*
8 *occurred;*

9 (c) *Whether an alleged incident of sexual misconduct was*
10 *perpetrated by a pupil, teacher, administrator or other staff*
11 *member of a public school, third party vendor or another person;*

12 (d) *Awareness of a pupil of the policies and procedures related*
13 *to sexual misconduct at a public school;*

14 (e) *Whether a pupil reported an alleged incident of sexual*
15 *misconduct and:*

16 (1) *If the incident was reported, to which school resource or*
17 *law enforcement agency a report was made; and*

18 (2) *If the incident was not reported, the reason the pupil*
19 *chose not to report the incident;*

20 (f) *Whether a pupil who reported an alleged incident of sexual*
21 *misconduct was:*

22 (1) *Offered supportive measures by a public school;*

23 (2) *Informed of, aware of or referred to school, local or*
24 *state resources for support for victims, including, without*
25 *limitation, appropriate medical care and legal services; and*

26 (3) *Informed of the prohibition against retaliation for*
27 *reporting an alleged incident of sexual misconduct;*

28 (g) *Contextual factors in an alleged incident of sexual*
29 *misconduct, such as the involvement of force, incapacitation or*
30 *coercion;*

31 (h) *Demographic information that could be used to identify at-*
32 *risk groups, including, without limitation, the gender, race,*
33 *ethnicity, national origin, economic status, disability, gender*
34 *identity or expression, immigration status and sexual orientation*
35 *of the pupil to the climate survey on sexual misconduct;*

36 (i) *Perceptions a pupil has of school safety;*

37 (j) *Whether a pupil has confidence in the ability of the school*
38 *to protect against and respond to alleged incidents of sexual*
39 *misconduct;*

40 (k) *Whether a pupil chose to or requested a transfer to another*
41 *school because the pupil is the reporting party or responding party*
42 *in an alleged incident of sexual misconduct;*

43 (l) *Whether a pupil was placed on academic probation or*
44 *otherwise disciplined as a result of an alleged incident of sexual*
45 *misconduct;*



1 (m) Whether a pupil or the family of the pupil experienced any
2 financial impact as a result of an alleged incident of sexual
3 misconduct or the response of the school to the alleged incident of
4 sexual misconduct;

5 (n) Whether a pupil experienced any negative health impacts
6 as a result of an alleged incident of sexual misconduct or the
7 response of the school to the alleged incident of sexual
8 misconduct, including, without limitation, post-traumatic stress
9 disorder, anxiety, depression, chronic pain or an eating disorder;

10 (o) The perception of the respondent of the survey of the
11 attitudes of the community toward sexual misconduct, including,
12 without limitation, the willingness of a person to intervene in an
13 ongoing incident of sexual misconduct as a bystander; and

14 (p) Any other questions as determined necessary by the Office.

15 4. The climate survey on sexual misconduct must provide an
16 option for pupils to decline to answer a question.

17 **Sec. 13.** 1. Each public school in this State that enrolls
18 pupils in a grade level determined by the Office for a Safe and
19 Respectful Learning Environment to be an appropriate grade level
20 in which to administer the climate survey on sexual misconduct
21 shall conduct the climate survey at the school biennially.

22 2. A climate survey on sexual misconduct conducted
23 pursuant to subsection 1 must include the questions developed by
24 the Office pursuant to section 12 of this act. If a public school
25 includes additional questions on a climate survey on sexual
26 misconduct conducted pursuant to subsection 1, the questions
27 must not be unnecessarily traumatizing for a victim of an alleged
28 incident of sexual misconduct.

29 3. A public school shall:

30 (a) Provide the climate survey on sexual misconduct to each
31 pupil enrolled in a grade level determined by the Office for a Safe
32 and Respectful Learning Environment to be an appropriate grade
33 level in which to administer the survey;

34 (b) Not require the disclosure of personally identifiable
35 information by a respondent to the climate survey on sexual
36 misconduct;

37 (c) Work to ensure an adequate number of pupils complete the
38 survey to achieve a random and representative sample size of
39 pupils;

40 (d) Within 120 days after completion of the climate survey on
41 sexual misconduct:

42 (1) Compile a summary of the responses to the survey; and

43 (2) Submit the summary of responses to the Department;

44 and



1 (e) To the extent allowed by federal law, including, without
2 limitation, the Family Educational Rights and Privacy Act of
3 1974, 20 U.S.C. § 1232g, and in a manner that does not disclose
4 the identity of a pupil post on the Internet website maintained by
5 the school:

6 (1) The responses to the climate survey on sexual
7 misconduct;

8 (2) The summary of the responses to the climate survey on
9 sexual misconduct; and

10 (3) A link to the summary of the responses to the climate
11 survey on sexual misconduct on the Internet website maintained
12 by the school district.

13 4. A climate survey on sexual misconduct must be
14 administered through the Internet website maintained by the
15 public school and provide reasonable accommodations for pupils
16 with a disability.

17 **Sec. 14.** *The Office for a Safe and Respectful Learning*
18 *Environment shall:*

19 1. Provide a copy of the questions developed by the Office for
20 a Safe and Respectful Learning Environment pursuant to section
21 12 of this act to the board of trustees of each school district and
22 the governing body of each charter school that enrolls pupils in a
23 grade level determined by the Office to be an appropriate grade
24 level in which to administer the climate survey on sexual
25 misconduct;

26 2. Establish a repository for the summaries of the climate
27 survey on sexual misconduct submitted by a public school
28 pursuant to section 13 of this act;

29 3. To the extent allowed by federal law, including, without
30 limitation, the Family Educational Rights and Privacy Act of
31 1974, 20 U.S.C. § 1232g, and in a manner that does not disclose
32 the identity of a pupil post each summary of the responses to a
33 climate survey on sexual misconduct submitted by a public school
34 pursuant to section 13 of this act on the Internet website
35 maintained by the Department;

36 4. Adopt a policy on the dissemination, collection and
37 summation of the responses to the climate survey on sexual
38 misconduct; and

39 5. On or before February 1 of each odd-numbered year,
40 report the summaries of the climate survey on sexual misconduct
41 submitted by a public school pursuant to section 13 of this act to
42 the Director of the Legislative Counsel Bureau for transmittal to
43 the Senate and Assembly Standing Committees on Education.

44 **Sec. 15.** *The board of trustees of a school district or*
45 *governing body of a charter school shall:*



1 *1. Require employees who participate in the grievance*
2 *process of a public school pursuant to Title IX of the Education*
3 *Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy*
4 *adopted pursuant to section 16 of this act to receive annual*
5 *training on topics related to sexual misconduct which may*
6 *include, without limitation, any training required pursuant to*
7 *section 22 of this act;*

8 *2. Provide a reporting party and responding party with a copy*
9 *of the policies of the public school regarding the submission and*
10 *consideration of evidence that may be considered during the*
11 *grievance process;*

12 *3. Within 7 business days after a final determination of a*
13 *report of an alleged incident of sexual misconduct, inform the*
14 *reporting party and the responding party of the result of the final*
15 *determination; and*

16 *4. Unless otherwise required by state or federal law, not*
17 *disclose the identity of a reporting party or responding party.*

18 **Sec. 16.** *1. The board of trustees of each school district*
19 *and the governing body of each charter school shall adopt a policy*
20 *on sexual misconduct.*

21 *2. In developing the policy on sexual misconduct, the board*
22 *of trustees of a school district and the governing body of a charter*
23 *school:*

24 (a) *Shall:*

25 (1) *Incorporate a trauma-informed response;*

26 (2) *Coordinate with:*

27 (I) *The Title IX coordinator of the school district or the*
28 *school district in which the charter school is located; and*

29 (II) *If the board of trustees or governing body has*
30 *entered into a memorandum of understanding pursuant to section*
31 *18 of this act, the organization that assists victims of sexual*
32 *misconduct; and*

33 (3) *Engage in a culturally competent manner to reflect the*
34 *diverse needs of all pupils; and*

35 (b) *May consider input from internal and external entities,*
36 *including, without limitation:*

37 (1) *Administrators at public schools;*

38 (2) *Personnel affiliated with health care centers that*
39 *provide services at public schools;*

40 (3) *A victim's advocate designated pursuant to section 19 of*
41 *this act;*

42 (4) *Pupils enrolled in public schools;*

43 (5) *Law enforcement agencies, including, without*
44 *limitation, school resource officers; and*



1 (6) *The district attorney of the county where the school*
2 *district or charter school is located.*

3 3. *The board of trustees of a school district or governing body*
4 *of a charter school shall provide:*

5 (a) *Internal or external entities an opportunity to provide*
6 *comment on the initial policy on sexual misconduct or any*
7 *substantive change to the policy;*

8 (b) *Instructions on how an internal or external entity may*
9 *provide comment on the initial policy on sexual misconduct or a*
10 *substantive change to the policy; and*

11 (c) *A reasonable length of time during which the board of*
12 *trustees of a school district or governing body of a charter school*
13 *will accept comment.*

14 4. *After an initial policy on sexual misconduct is adopted by*
15 *the board of trustees of a school district or the governing body of a*
16 *charter school, the opportunity for comment by an internal or*
17 *external entity pursuant to subsection 3 applies only to a*
18 *substantive change to the policy, as determined by the board of*
19 *trustees or governing body.*

20 5. *The board of trustees of a school district or the governing*
21 *body of a charter school shall make the policy on sexual*
22 *misconduct publicly available not later than the start of each*
23 *school year:*

24 (a) *On the campus of each school within the school district*
25 *and charter school;*

26 (b) *Upon request, to a prospective pupil, current pupil, parent*
27 *or legal guardian of a prospective or current pupil or employee of*
28 *the school district or charter school; and*

29 (c) *On the Internet website maintained by the school district or*
30 *charter school.*

31 **Sec. 17. 1.** *A policy on sexual misconduct adopted pursuant*
32 *to section 16 of this act must include, without limitation,*
33 *information on:*

34 (a) *The procedures by which a pupil or employee of a public*
35 *school may report or disclose an alleged incident of sexual*
36 *misconduct that occurred on or off a campus of the public school;*

37 (b) *Obtaining emergency medical assistance after an alleged*
38 *incident of sexual misconduct, including, without limitation:*

39 (1) *The name and location of the nearest medical facility*
40 *where a pupil or employee may receive a forensic medical*
41 *examination;*

42 (2) *Options for transportation and reimbursement for travel*
43 *costs associated with obtaining a forensic medical examination;*



1 (3) *The telephone number and Internet website for a*
2 *national 24-hour hotline and any other state or local resources*
3 *that provide information on sexual misconduct; and*

4 (4) *Any programs that may provide financial assistance to a*
5 *pupil for the cost of obtaining emergency medical assistance;*

6 (c) *The types of counseling and health, safety, academic and*
7 *other support services available within the local community or*
8 *through an organization that assists victims of sexual misconduct,*
9 *including, without limitation, the contact information for any*
10 *relevant providers of support services;*

11 (d) *The name, contact information and a description of the*
12 *role of and services provided by:*

13 (1) *An advisor who may serve as a confidential resource to*
14 *a responding party;*

15 (2) *A victim's advocate designated by the school district or*
16 *charter school pursuant to section 19 of this act;*

17 (3) *The Title IX coordinator of the school district or the*
18 *school district in which the charter school is located;*

19 (4) *An organization that supports persons accused of*
20 *sexual misconduct;*

21 (5) *An organization that assists victims of sexual*
22 *misconduct; and*

23 (6) *Employees designated as responsible employees;*

24 (e) *The rights or obligations of a pupil or employee to:*

25 (1) *Notify or decline to notify a law enforcement agency of*
26 *an alleged incident of sexual misconduct;*

27 (2) *Receive assistance from the appropriate personnel of a*
28 *public school in notifying a law enforcement agency of an alleged*
29 *incident of sexual misconduct;*

30 (3) *Obtain an order for protection, restraining order or*
31 *injunction issued by a court; or*

32 (4) *Obtain an agreement between the reporting party and*
33 *responding party to restrict contact;*

34 (f) *Procedures for a pupil or employee to notify a public school*
35 *that an order for protection, restraining order or injunction has*
36 *been issued under state or federal law;*

37 (g) *The responsibilities of a public school upon receipt of the*
38 *notice of an order for protection, restraining order or injunction;*

39 (h) *Supportive measures, including, without limitation:*

40 (1) *Changing academic arrangements;*

41 (2) *How to request supportive measures; and*

42 (3) *The process to have any supportive measures reviewed*
43 *by a public school;*



1 (i) *Appropriate local, state and federal law enforcement*
2 *agencies, including, without limitation, the contact information*
3 *for a law enforcement agency; and*

4 (j) *The grievance process of the school district or charter*
5 *school for investigating and resolving a report of an alleged*
6 *incident of sexual misconduct pursuant to Title IX of the*
7 *Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., the*
8 *policy on sexual misconduct adopted pursuant to section 16 of this*
9 *act and the requirements of section 15 of this act.*

10 2. *As used in this section “forensic medical examination” has*
11 *the meaning ascribed to it in NRS 217.300.*

12 **Sec. 18.** 1. *The board of trustees of a school district or*
13 *governing body of a charter school may enter into a memorandum*
14 *of understanding with an organization that assists victims of*
15 *sexual misconduct. The memorandum of understanding may,*
16 *without limitation:*

17 (a) *Ensure cooperation and training between the school*
18 *district or charter school and the organization that assists victims*
19 *of sexual misconduct to ensure an understanding of the:*

20 (1) *Responsibilities that the school district or charter school*
21 *and organization that assists victims of sexual misconduct have in*
22 *responding to a report or disclosure of an alleged incident of*
23 *sexual misconduct; and*

24 (2) *Procedures of the school district or charter school for*
25 *providing support and services to pupils and employees;*

26 (b) *Require an organization that assists victims of sexual*
27 *misconduct to:*

28 (1) *Assist with developing policies, programming or*
29 *training at the school district or charter school regarding sexual*
30 *misconduct;*

31 (2) *Provide an alternative for a pupil or employee of a*
32 *school within the school district, the school district or charter*
33 *school to receive free and confidential counseling, advocacy or*
34 *crisis services related to sexual misconduct that are located on or*
35 *off a campus of a public school, including, without limitation:*

36 (I) *Access to a health care provider who specializes in*
37 *forensic medical examinations;*

38 (II) *Confidential services to a victim of sexual*
39 *misconduct; and*

40 (III) *Consultation on a report of an alleged incident of*
41 *sexual misconduct made by a victim or a case in which a victim is*
42 *involved;*

43 (3) *Provide training to victim’s advocates;*



1 (4) *The development and implementation of education and*
2 *prevention programs for pupils enrolled at a school within a*
3 *school district or charter school; and*

4 (5) *The development and implementation of training and*
5 *prevention curriculum for employees of a school within the school*
6 *district, the school district or charter school.*

7 2. *As used in this section:*

8 (a) *“Forensic medical examination” has the meaning ascribed*
9 *to it in NRS 217.300.*

10 (b) *“Pupil” includes, without limitation, a former pupil of a*
11 *school within the school district or charter school who transferred*
12 *to another school because the pupil was a reporting party of an*
13 *alleged incident of sexual misconduct.*

14 **Sec. 19. 1.** *The board of trustees of each school district and*
15 *governing body of each charter school shall designate a victim’s*
16 *advocate. The board of trustees of each school district and the*
17 *governing body of each charter school shall designate existing*
18 *categories of employees who may serve as a victim’s advocate. The*
19 *board of trustees of each school district and governing body of*
20 *each charter school may:*

21 (a) *Partner with an organization that assists victims of sexual*
22 *misconduct to designate a victim’s advocate; or*

23 (b) *Partner with another school district or charter school to*
24 *designate a victim’s advocate.*

25 2. *A victim’s advocate designated pursuant to subsection 1:*

26 (a) *May have another role within the school district or charter*
27 *school that designated the victim’s advocate;*

28 (b) *Shall not be a pupil, a Title IX coordinator, a member of*
29 *law enforcement or a school resource officer or any other*
30 *employee within the school district or charter school who is*
31 *authorized to initiate a disciplinary proceeding on behalf of the*
32 *school district, a school within the school district or charter school*
33 *or whose position in the school district, a school within the school*
34 *district or charter school may create a conflict of interest; and*

35 (c) *Shall be designated based on the experience and*
36 *demonstrated ability of the person to effectively provide victim*
37 *services related to sexual misconduct.*

38 3. *The board of trustees of a school district or governing body*
39 *of a charter school shall provide training to the victim’s advocate*
40 *on:*

41 (a) *The awareness and prevention of sexual misconduct;*

42 (b) *Title IX of the Education Amendments Act of 1972, 20*
43 *U.S.C. §§ 1681 et seq.;*

44 (c) *The policy on sexual misconduct adopted by the school*
45 *district or charter school pursuant to section 16 of this act; and*



1 (d) *Trauma-informed responses to a report of an alleged*
2 *incident of sexual misconduct.*

3 4. *The board of trustees of each school district and the*
4 *governing body of each charter school shall ensure the availability*
5 *of a victim's advocate to pupils within a reasonable distance from*
6 *each school within the school district or charter school.*

7 **Sec. 20. 1.** *A victim's advocate designated pursuant to*
8 *section 19 of this act shall:*

9 (a) *If the board of trustees of a school district or governing*
10 *body of a charter school has entered into a memorandum of*
11 *understanding pursuant to section 18 of this act, coordinate with*
12 *the organization that assists victims of sexual misconduct;*

13 (b) *Inform a pupil or employee of, or provide resources about*
14 *how to obtain information on:*

15 (1) *Options on how to report an alleged incident of sexual*
16 *misconduct and the effects of each option;*

17 (2) *Counseling services available through the school*
18 *district, a school within the school district or charter school and*
19 *through a local organization that assists victims of sexual*
20 *misconduct;*

21 (3) *Medical and legal services available on or off a campus*
22 *of a public school;*

23 (4) *Available supportive measures;*

24 (5) *The grievance process of the school district or charter*
25 *school and that the grievance process is not a substitute for the*
26 *system of criminal justice;*

27 (6) *The role of local, state and federal law enforcement*
28 *agencies;*

29 (7) *Any limits on the ability of the victim's advocate to*
30 *provide privacy or confidentiality to the pupil or employee; and*

31 (8) *The policy on sexual misconduct adopted by the school*
32 *district or charter school pursuant to section 16 of this act;*

33 (c) *Notify the pupil or employee of his or her rights and the*
34 *responsibilities of the school district, a school within the school*
35 *district or the charter school regarding an order for protection,*
36 *restraining order or injunction issued by a court;*

37 (d) *Except as otherwise required by state or federal law, not be*
38 *required to report an alleged incident of sexual misconduct to the*
39 *school district, school within the school district or charter school*
40 *or a law enforcement agency;*

41 (e) *Provide confidential services to pupils and employees;*

42 (f) *Not provide confidential services to more than one party in*
43 *a grievance process;*



1 (g) Except as otherwise required by state or federal law, not
2 disclose confidential information without the prior written consent
3 of the pupil or employee who provided the information;

4 (h) Notify all staff of the within a school district or charter
5 school who are involved in providing or enforcing supportive
6 measures of the duties of the staff and ensure staff are trained;
7 and

8 (i) Inform a student or employee that supportive measures may
9 also be obtained through disability services or the Title IX
10 coordinator, if appropriate.

11 2. The victim's advocate may:

12 (a) If appropriate and if directed by a pupil or employee, assist
13 the pupil or employee in reporting an alleged incident of sexual
14 misconduct to the school district, a school within the school
15 district or charter school or a law enforcement agency; and

16 (b) Attend a disciplinary proceeding of the school district, a
17 school within the school district or charter school as the advisor or
18 support person of a reporting party.

19 3. Notice to a victim's advocate of an alleged incident of
20 sexual misconduct or the performance of services by a victim's
21 advocate pursuant to this section must not be considered actual or
22 constructive notice of an alleged incident of sexual misconduct to
23 the school district or charter school which designated the victim's
24 advocate pursuant to section 19 of this act.

25 4. If a conflict of interest arises between the school district or
26 charter school which designated a victim's advocate and the
27 victim's advocate in advocating for the provision of supportive
28 measures by the school district, a school within the school district
29 or the charter school to a reporting party, the school district or
30 charter school shall not discipline, penalize or otherwise retaliate
31 against the victim's advocate for advocating for the reporting
32 party.

33 **Sec. 21. 1.** The board of trustees of a school district or
34 governing body of a charter school may not subject a reporting
35 party or a witness who reports an alleged incident of sexual
36 misconduct to a disciplinary proceeding or sanction for a violation
37 of a policy on conduct related to drug or alcohol use, trespassing
38 or unauthorized entry of school facilities or other violation of a
39 policy of a public school that occurred during or related to an
40 alleged incident of sexual misconduct unless the board of trustees
41 of the school district or governing body of the charter school
42 determines that the:

43 (a) Report of an alleged incident of sexual misconduct was not
44 made in good faith; or



1 (b) *The violation of a policy on conduct was egregious,*
2 *including, without limitation, a violation that poses a risk to the*
3 *health or safety of another person.*

4 2. *The board of trustees of a school district or governing body*
5 *of a charter school shall review any disciplinary action taken*
6 *against a reporting party to determine if there is any connection*
7 *between the alleged incident of sexual misconduct that was*
8 *reported and the misconduct that led to the reporting party being*
9 *disciplined.*

10 **Sec. 22.** 1. *The board of trustees of a school district or*
11 *governing body of a charter school shall provide training on the*
12 *grievance process of the school district or charter school to an*
13 *employee who is a participant in the grievance process. The*
14 *training must include, without limitation:*

15 (a) *How to respond to and otherwise address a report of an*
16 *alleged incident of sexual misconduct;*

17 (b) *Information on working with and interviewing victims of*
18 *sexual misconduct;*

19 (c) *Information on particular types of sexual misconduct,*
20 *including, without limitation, domestic violence and sexual*
21 *assault;*

22 (d) *An explanation of consent as it applies to a sexual act or*
23 *sexual conduct with another person;*

24 (e) *The manner in which drugs and alcohol may affect the*
25 *ability of a person to consent to a sexual act or sexual conduct*
26 *with another person;*

27 (f) *The effects of trauma, including, without limitation, any*
28 *neurobiological impact on a person;*

29 (g) *Training in cultural competency regarding how sexual*
30 *misconduct may impact pupils differently depending on, without*
31 *limitation, the national origin, sex, ethnicity, religion, gender*
32 *identity, gender expression or sexual orientation of a pupil;*

33 (h) *Information regarding how sexual misconduct may impact*
34 *pupils with disabilities;*

35 (i) *Ways to communicate appropriately with a reporting party;*

36 (j) *Ways to communicate appropriately with a responding*
37 *party, including, without limitation, an awareness of the emotional*
38 *impact of being wrongly accused; and*

39 (k) *Information regarding re-traumatization and blaming of a*
40 *victim.*

41 2. *The board of trustees of a school district or the governing*
42 *body of a charter school shall train the Title IX coordinator of the*
43 *school district and safety personnel, including, without limitation,*
44 *a school resource officer, of the school district or charter school,*
45 *as applicable, in the awareness of sexual misconduct and in*



1 *trauma-informed responses to an alleged incident of sexual*
2 *misconduct.*

3 **Sec. 23.** 1. *The board of trustees of a school district or*
4 *governing body of a charter school shall provide annual*
5 *programming on awareness and prevention of sexual misconduct*
6 *to employees of a public school and to pupils enrolled in a grade*
7 *level determined by the Office for a Safe and Respectful Learning*
8 *Environment to be an appropriate grade level to receive such*
9 *programming. The programming must be age-appropriate and*
10 *include, without limitation:*

11 (a) *An explanation of consent as it applies to a sexual act or*
12 *sexual conduct with another person;*

13 (b) *The manner in which drugs and alcohol may affect the*
14 *ability of a person to consent to a sexual act or sexual conduct*
15 *with another person;*

16 (c) *Information on options for reporting an alleged incident of*
17 *sexual misconduct, the effects of each option and the method to*
18 *file a report under each option, including, without limitation, a*
19 *description of the confidentiality and anonymity, as applicable, of*
20 *a report;*

21 (d) *Information on the grievance process of the school district*
22 *or charter school for addressing a report of an alleged incident of*
23 *sexual misconduct, including, without limitation, a policy on*
24 *sexual misconduct adopted pursuant to section 16 of this act;*

25 (e) *The range of sanctions or penalties the school district or*
26 *charter school may impose on a pupil or employee found*
27 *responsible for an incident of sexual misconduct;*

28 (f) *The name, contact information and role of the victim's*
29 *advocate designated pursuant to section 19 of this act;*

30 (g) *Strategies for intervention by bystanders;*

31 (h) *Strategies for reduction of the risk of sexual misconduct;*
32 *and*

33 (i) *Any other opportunities for additional programming on*
34 *awareness and prevention of sexual misconduct.*

35 2. *The board of trustees of each school district or governing*
36 *body of each charter school shall:*

37 (a) *Coordinate with the Title IX coordinator of the school*
38 *district or the school district in which the charter school is located,*
39 *a law enforcement agency and, if the board of trustees or*
40 *governing body entered into a memorandum of understanding*
41 *with an organization that assists victims of sexual misconduct*
42 *pursuant to section 18 of this act, the organization; and*

43 (b) *Require pupils or employees to attend the programming on*
44 *the awareness and prevention of sexual misconduct.*



1 **Sec. 24. 1.** *If a public school receives a report or has*
2 *reason to know of an alleged incident of sexual misconduct that*
3 *involves a pupil enrolled in the public school or an employee of*
4 *the public school, the public school shall report the alleged*
5 *incident of sexual misconduct to the board of trustees of the*
6 *school district or the governing body of the charter school, as*
7 *applicable, and to an appropriate law enforcement agency.*

8 2. *If the board of trustees of a school district or the governing*
9 *body of a charter school receives a report pursuant to subsection 1*
10 *or otherwise receives a report or has reason to know of an alleged*
11 *incident of sexual misconduct, the board of trustees or governing*
12 *body shall:*

13 (a) *If a report has not already been made to an appropriate law*
14 *enforcement agency by the school or charter school, make such a*
15 *report;*

16 (b) *If necessary, conduct an investigation pursuant to section*
17 *26 of this act;*

18 (c) *If necessary, hold a hearing pursuant to section 27 of this*
19 *act; and*

20 (d) *If the alleged incident of sexual misconduct is determined*
21 *to have occurred based on a preponderance of the evidence, take*
22 *reasonable steps in response to the incident of sexual misconduct,*
23 *including, without limitation, addressing a hostile environment, if*
24 *such an environment has been created, preventing the recurrence*
25 *of the conduct and addressing the effects of the conduct.*

26 3. *A public school, the board of trustees of a school district or*
27 *the governing body of a charter school shall be deemed to know,*
28 *or reasonably should know, about a possible incident of sexual*
29 *misconduct if a responsible employee identified pursuant to*
30 *paragraph (d) of subsection 1 of section 17 of this act knew of or,*
31 *in the exercise of reasonable care, should have known of, the*
32 *possible incident of sexual misconduct.*

33 4. *As used in this section, “hostile environment” means an*
34 *environment where a pupil or employee experiences harassment*
35 *that is sufficiently severe, persistent or pervasive enough to limit*
36 *or deny:*

37 (a) *A pupil the ability to effectively participate in or benefit*
38 *from the programs and education offered by a public school; or*

39 (b) *An employee the ability to effectively or comfortably work*
40 *at a public school.*

41 **Sec. 25. 1.** *Except as otherwise required by state or federal*
42 *law, a public school, the board of trustees of a school district or*
43 *the governing body of a charter school may not disclose the*
44 *identity of the reporting party or, if the responding party is a pupil,*
45 *the responding party.*



1 2. A reporting party who is an employee may request the
2 board of trustees of a school district or governing body of a
3 charter school keep the identity of the reporting party confidential
4 or take no investigative or disciplinary action against a responding
5 party. The board of trustees or governing body shall not grant
6 such a request if state or federal law requires disclosure or further
7 action. In determining whether to grant such a request, the board
8 of trustees of a school district or governing body of a charter
9 school shall consider whether:

10 (a) There are any prior or existing reports of an incident of
11 sexual misconduct against the responding party;

12 (b) The responding party allegedly used a weapon, physical
13 restraint or otherwise engaged in battery;

14 (c) The responding party is a teacher or staff member of a
15 public school with oversight of pupils;

16 (d) There is an imbalance of power between the reporting
17 party and the responding party;

18 (e) The reporting party believes that the reporting party will be
19 less safe if the identity of the reporting party is disclosed, an
20 investigation is conducted or disciplinary action is taken against
21 the responding party;

22 (f) The responding party can sufficiently respond to the
23 allegations without knowing the identity of the reporting party;
24 and

25 (g) The public school is able to conduct a thorough
26 investigation and obtain relevant evidence without the cooperation
27 of the reporting party.

28 3. If a public school grants a request for confidentiality or to
29 not take any investigative or disciplinary action pursuant to
30 subsection 2, the public school shall take reasonable steps to,
31 without initiating formal action against the responding party:

32 (a) Respond to the report of an alleged incident of sexual
33 misconduct while maintaining the confidentiality of the reporting
34 party;

35 (b) Limit the effects of the alleged incident of sexual
36 misconduct;

37 (c) Prevent the recurrence of any misconduct; and

38 (d) Provide for the safety of the reporting party.

39 4. Reasonable steps taken pursuant to subsection 3 may
40 include, without limitation:

41 (a) Increased monitoring, supervision or security at locations
42 or activities where the alleged incident of sexual misconduct
43 occurred;

44 (b) Providing additional training and educational materials for
45 pupils and employees;



1 (c) Ensuring a reporting party is informed of and has access to
2 appropriate supportive measures; or

3 (d) Conducting additional climate surveys on sexual
4 misconduct in accordance with sections 12, 13 and 14 of this act.

5 5. If the board of trustees of a school district or the governing
6 body of a charter school grants a request for confidentiality or to
7 not take any investigative or disciplinary action pursuant to
8 subsection 2, the board of trustees or governing body shall inform
9 the reporting party that the ability of the board of trustees or
10 governing body to respond to the report of the alleged incident of
11 sexual misconduct will be limited by the request.

12 6. If the board of trustees of a school district or governing
13 body of a charter school determines that it cannot grant a request
14 for confidentiality or to not take any investigative or disciplinary
15 action pursuant to subsection 2, the board of trustees or governing
16 body shall:

17 (a) Inform the reporting party of the determination prior to
18 disclosing the identity of the reporting party or initiating an
19 investigation;

20 (b) Provide for the safety of the reporting party; and

21 (c) If requested by the reporting party, inform the responding
22 party that the reporting party asked the board of trustees of the
23 school district or governing body of the charter school not to take
24 investigative or disciplinary action against the responding party.

25 **Sec. 26. 1.** In conducting an investigation of an alleged
26 incident of sexual misconduct pursuant to section 24 of this act,
27 the board of trustees of a school district or the governing body of a
28 charter school shall:

29 (a) Provide the reporting party and the responding party the
30 opportunity to identify witnesses and other evidence to assist
31 the board of trustees of the school district or governing body of the
32 charter school in determining whether an alleged incident of
33 sexual misconduct has occurred;

34 (b) Inform the reporting party and the responding party that
35 any evidence available to the party but not disclosed during the
36 investigation might not be considered at a subsequent hearing;

37 (c) To the extent authorized by federal law, provide an
38 opportunity for a reporting party and responding party, or an
39 advisor or support person of a reporting party or responding party,
40 to submit questions and responses to questions to the investigator
41 in writing; and

42 (d) Use equitable guidelines for the collection and use of
43 evidence, including, without limitation, providing that:



1 (1) *Except as otherwise authorized by this section, an*
2 *investigator may not consider the sexual history of a reporting*
3 *party or responding party;*

4 (2) *An investigator may not consider any prior or*
5 *subsequent sexual history between the reporting party and any*
6 *party other than the responding party unless the history is directly*
7 *relevant to prove that any physical injuries alleged to have been*
8 *inflicted by the responding party were inflicted by another person;*

9 (3) *An investigator may not consider the existence of a*
10 *dating relationship or prior or subsequent consensual sexual*
11 *conduct between the reporting party and the responding party*
12 *unless the evidence is relevant to demonstrate how the parties*
13 *communicated consent in prior or subsequent consensual sexual*
14 *conduct; and*

15 (4) *An investigator shall provide a written and verbal*
16 *explanation to the reporting party and the responding party as to*
17 *why consideration of any evidence is consistent with this*
18 *paragraph before proffering any evidence for consideration in an*
19 *investigation or hearing.*

20 2. *The fact that a reporting party and responding party*
21 *engaged in any prior or subsequent consensual sexual relations is*
22 *not by itself sufficient to establish that the conduct in question was*
23 *consensual.*

24 3. *Notwithstanding the provisions of section 27 of this act, the*
25 *board of trustees of a school district or governing body of a*
26 *charter school shall endeavor to complete an investigation*
27 *conducted in response to an alleged incident of sexual misconduct*
28 *within 120 days.*

29 4. *The board of trustees of a school district or the governing*
30 *body of a charter school shall provide periodic updates on the*
31 *investigation to the reporting party and the responding party*
32 *regarding the timeline of the investigation.*

33 **Sec. 27. 1.** *After conducting an investigation pursuant to*
34 *section 26 of this act, the board of trustees of a school district or*
35 *governing body of a charter school shall determine whether to*
36 *hold a hearing. In determining whether to hold a hearing, the*
37 *board of trustees of a school district or governing body of a*
38 *charter school may consider whether the reporting party and*
39 *responding party cooperated in the investigation and whether each*
40 *party had the opportunity to suggest questions to be asked of the*
41 *other party or witnesses, or both, during the investigation. The*
42 *following rules apply to any hearing conducted pursuant to this*
43 *section:*

44 (a) *Except as otherwise determined by the hearing officer, the*
45 *reporting party or responding party may not introduce evidence,*



1 *including, without limitation, witness testimony, at the hearing*
2 *that was not disclosed or available during the investigation*
3 *conducted pursuant to section 26 of this act. The hearing officer*
4 *may accept such evidence for good cause.*

5 *(b) Except as otherwise required by federal law, any cross*
6 *examination of the reporting party, the responding party or any*
7 *witness may not be conducted directly by the reporting party or*
8 *responding party, or an advisor to the reporting party or*
9 *responding party, as applicable.*

10 *(c) The reporting party, the responding party or any witness*
11 *may request to answer questions by videoconference.*

12 *(d) The reporting party and the responding party, or an*
13 *advisor or support person of a reporting party or responding party,*
14 *shall have the opportunity to submit written questions to the*
15 *hearing officer in advance of the hearing. At the hearing,*
16 *the reporting party and the responding party shall have the*
17 *opportunity to note an objection to any question posed by the other*
18 *party. The hearing officer may limit objections to written form.*
19 *The hearing officer shall note an objection on the record, but is*
20 *not otherwise required to respond to an objection. The hearing*
21 *officer shall discard or rephrase any question the hearing officer*
22 *deems to be repetitive, irrelevant or harassing. In making a*
23 *determination pursuant to this paragraph, the hearing officer may*
24 *use, but is not bound by, the rules of evidence at common law.*

25 *(e) All determinations must be based on a preponderance of*
26 *the evidence.*

27 *2. Except as otherwise provided in this subsection, the board*
28 *of trustees of a school district or the governing body of a charter*
29 *school that receives a report shall take not more than 60 calendar*
30 *days to reach a final determination regarding the alleged incident*
31 *of sexual misconduct. The board of trustees of a school district or*
32 *the governing body of a charter school may take more than 60*
33 *calendar days to reach a final determination for good cause,*
34 *which includes, without limitation, unworked holiday breaks,*
35 *mutual agreement of the reporting party and the responding party*
36 *or waiting for evidence that has been requested from a third party.*
37 *Good cause does not include, without limitation, worked holiday*
38 *breaks, distance barriers that can be overcome through*
39 *videoconferencing, graduation of one of the parties, unnecessary*
40 *request for delay that the board of trustees or governing body*
41 *reasonably perceives to be delay tactics or police investigations*
42 *that require more than a temporary delay.*

43 *3. If the board of trustees of a school district or the governing*
44 *body of a charter school includes an appeal process in its*



1 *grievance, the board of trustees or governing body shall inform*
2 *the parties of the appeals process.*

3 *4. The board of trustees of a school district or the governing*
4 *body of a charter school shall provide periodic updates on any*
5 *hearing or appeals process to the reporting party and responding*
6 *party, including, without limitation, written notice of any delays.*

7 **Sec. 28.** *1. The board of trustees of a school district or the*
8 *governing body of a charter school may issue a no-contact*
9 *directive prohibiting the responding party and the reporting party*
10 *from contacting each other during the pendency of an*
11 *investigation and hearing if the no-contact directive will not*
12 *impair the ability of either the reporting party or the responding*
13 *party to attend school. The board of trustees of a school district or*
14 *the governing body of a charter school may issue a no-contact*
15 *directive if the directive is necessary to:*

16 *(a) Protect the safety or well-being of either the reporting party*
17 *or the responding party; or*

18 *(b) Respond to interference with an investigation.*

19 *2. A no-contact directive issued after a decision of*
20 *responsibility against the responding party has been made is*
21 *unilateral and applies only against the responding party.*

22 *3. If the board of trustees of a school district or the governing*
23 *body of a charter school issues a mutual no-contact directive, the*
24 *board of trustees or governing body shall provide the reporting*
25 *party and the responding party with a written justification for the*
26 *directive and an explanation of the terms of the directive,*
27 *including, without limitation, a description of the circumstances, if*
28 *any, under which a violation of the directive may subject the party*
29 *to disciplinary action.*

30 **Sec. 29.** *A pupil who experiences sexual misconduct may*
31 *request a waiver from any requirement to maintain a certain grade*
32 *point average, credit enrollment, or other academic or disciplinary*
33 *record requirement related to academic success to participate in*
34 *any extracurricular program offered by a public school. A waiver*
35 *may be granted by a victim's advocate designated pursuant to*
36 *section 19 of this act, the Title IX coordinator of the school district*
37 *in which a pupil is enrolled or the school district in which the*
38 *charter school is located, a school resource officer, an academic*
39 *advisor or a staff member of a disability resource center of a*
40 *public school.*

41 **Sec. 30.** *1. On or before October 1 of each year, the board*
42 *of trustees of each school district and governing body of each*
43 *charter school shall prepare and submit to the Department a*
44 *report that includes, without limitation:*



1 (a) *The total number of reports of alleged incidents of sexual*
2 *misconduct made to a public school, the board of trustees of a*
3 *school and the governing body of a charter school;*

4 (b) *The number of investigations initiated by a law*
5 *enforcement agency in response to reports of alleged incidents of*
6 *sexual misconduct, if known;*

7 (c) *The number of pupils and employees found responsible for*
8 *an incident of sexual misconduct by the public school;*

9 (d) *The number of pupils and employees accused of but found*
10 *not responsible for an incident of sexual misconduct by the public*
11 *school;*

12 (e) *The number of sanctions or remedies imposed on a*
13 *responding party by the board of trustees of a school district or the*
14 *governing body of a charter school as a result of a finding of*
15 *responsibility for an incident of sexual misconduct;*

16 (f) *The number of requests for supportive measures and the*
17 *number of requests for supportive measures that were granted;*
18 *and*

19 (g) *The number of reporting parties who transferred to*
20 *another school or withdrew from public school.*

21 2. *A report submitted pursuant to subsection 1 must not*
22 *contain any personally identifiable, information of a pupil or*
23 *employee of a public school.*

24 3. *Information contained in a report submitted pursuant to*
25 *subsection 1 must be able to be disaggregated by pupils and*
26 *employees.*

27 4. *On or before December 31 of each year, the Department*
28 *shall submit a compilation of the reports the Department received*
29 *pursuant to subsection 1 to the Director of the Department of*
30 *Health and Human Services and the Director of the Legislative*
31 *Counsel Bureau for transmittal to the next regular session of the*
32 *Legislature in even-numbered years and to the Legislative*
33 *Committee on Education in odd-numbered years.*

34 **Sec. 31.** 1. *The Department may, after reasonable notice*
35 *and opportunity for hearing, determine that a public school, the*
36 *board of trustees of a school district or the governing body of a*
37 *charter school failed to comply with sections 2 to 32, inclusive, of*
38 *this act. If the Department determines a public school, the board*
39 *of trustees of a school district or the governing body of a charter*
40 *school failed to comply with sections 2 to 32, inclusive, of this act*
41 *may, for each violation, impose a fine of not more than \$150,000*
42 *or 1 percent of the annual operating budget of the public school,*
43 *board of trustees of the school district or the governing body of the*
44 *charter school, whichever is less, against the public school, board*



1 *of trustees of the school district or governing body of the charter*
2 *school.*

3 *2. The Department shall use any money collected from the*
4 *imposition of a fine pursuant to subsection 1 to administer and*
5 *enforce the provisions of sections 2 to 32, inclusive, of this act.*

6 **Sec. 32.** *The Department may adopt regulations as necessary*
7 *to carry out the provisions of sections 2 to 32, inclusive, of this act.*

8 **Sec. 33.** NRS 49.2545 is hereby amended to read as follows:

9 49.2545 "Victim's advocate" means a person who works for a
10 nonprofit program, a program of a university, state college or
11 community college within the Nevada System of Higher Education
12 or a program of a tribal organization which provides assistance to
13 victims *or who provides services to a victim of an alleged incident*
14 *of sexual misconduct pursuant to sections 2 to 32, inclusive, of*
15 *this act* with or without compensation and who has received at least
16 20 hours of relevant training.

17 **Sec. 34.** NRS 432B.220 is hereby amended to read as follows:

18 432B.220 1. Any person who is described in subsection 4
19 and who, in his or her professional or occupational capacity, knows
20 or has reasonable cause to believe that a child has been abused or
21 neglected shall:

22 (a) Except as otherwise provided in subsection 2, report the
23 abuse or neglect of the child to an agency which provides child
24 welfare services or to a law enforcement agency; and

25 (b) Make such a report as soon as reasonably practicable but not
26 later than 24 hours after the person knows or has reasonable cause to
27 believe that the child has been abused or neglected.

28 2. If a person who is required to make a report pursuant to
29 subsection 1 knows or has reasonable cause to believe that the abuse
30 or neglect of the child involves an act or omission of:

31 (a) A person directly responsible or serving as a volunteer for or
32 an employee of a public or private home, institution or facility
33 where the child is receiving child care outside of the home for a
34 portion of the day, the person shall make the report to a law
35 enforcement agency.

36 (b) An agency which provides child welfare services or a law
37 enforcement agency, the person shall make the report to an agency
38 other than the one alleged to have committed the act or omission,
39 and the investigation of the abuse or neglect of the child must be
40 made by an agency other than the one alleged to have committed the
41 act or omission.

42 3. Any person who is described in paragraph (a) of subsection
43 4 who delivers or provides medical services to a newborn infant and
44 who, in his or her professional or occupational capacity, knows or
45 has reasonable cause to believe that the newborn infant has been



1 affected by a fetal alcohol spectrum disorder or prenatal substance
2 use disorder or has withdrawal symptoms resulting from prenatal
3 substance exposure shall, as soon as reasonably practicable but not
4 later than 24 hours after the person knows or has reasonable cause to
5 believe that the newborn infant is so affected or has such symptoms,
6 notify an agency which provides child welfare services of the
7 condition of the infant and refer each person who is responsible for
8 the welfare of the infant to an agency which provides child welfare
9 services for appropriate counseling, training or other services. A
10 notification and referral to an agency which provides child welfare
11 services pursuant to this subsection shall not be construed to require
12 prosecution for any illegal action.

13 4. A report must be made pursuant to subsection 1 by the
14 following persons:

15 (a) A person providing services licensed or certified in this State
16 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
17 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
18 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

19 (b) Any personnel of a medical facility licensed pursuant to
20 chapter 449 of NRS who are engaged in the admission, examination,
21 care or treatment of persons or an administrator, manager or other
22 person in charge of such a medical facility upon notification of
23 suspected abuse or neglect of a child by a member of the staff of the
24 medical facility.

25 (c) A coroner.

26 (d) A member of the clergy, practitioner of Christian Science or
27 religious healer, unless the person has acquired the knowledge of the
28 abuse or neglect from the offender during a confession.

29 (e) A person employed by a public school or private school and
30 any person who serves as a volunteer at such a school.

31 (f) Any person who maintains or is employed by a facility or
32 establishment that provides care for children, children's camp or
33 other public or private facility, institution or agency furnishing care
34 to a child.

35 (g) Any person licensed pursuant to chapter 424 of NRS to
36 conduct a foster home.

37 (h) Any officer or employee of a law enforcement agency or an
38 adult or juvenile probation officer.

39 (i) Except as otherwise provided in NRS 432B.225, an attorney.

40 (j) Any person who maintains, is employed by or serves as a
41 volunteer for an agency or service which advises persons regarding
42 abuse or neglect of a child and refers them to persons and agencies
43 where their requests and needs can be met.



1 (k) Any person who is employed by or serves as a volunteer for
2 a youth shelter. As used in this paragraph, "youth shelter" has the
3 meaning ascribed to it in NRS 244.427.

4 (l) Any adult person who is employed by an entity that provides
5 organized activities for children, including, without limitation, a
6 person who is employed by a school district or public school.

7 5. A report may be made by any other person.

8 6. If a person who is required to make a report pursuant to
9 subsection 1 knows or has reasonable cause to believe that a child
10 has died as a result of abuse or neglect, the person shall, as soon as
11 reasonably practicable, report this belief to an agency which
12 provides child welfare services or a law enforcement agency. If such
13 a report is made to a law enforcement agency, the law enforcement
14 agency shall notify an agency which provides child welfare services
15 and the appropriate medical examiner or coroner of the report. If
16 such a report is made to an agency which provides child welfare
17 services, the agency which provides child welfare services shall
18 notify the appropriate medical examiner or coroner of the report.
19 The medical examiner or coroner who is notified of a report
20 pursuant to this subsection shall investigate the report and submit
21 his or her written findings to the appropriate agency which provides
22 child welfare services, the appropriate district attorney and a law
23 enforcement agency. The written findings must include, if
24 obtainable, the information required pursuant to the provisions of
25 subsection 2 of NRS 432B.230.

26 7. The agency, board, bureau, commission, department,
27 division or political subdivision of the State responsible for the
28 licensure, certification or endorsement of a person who is described
29 in subsection 4 and who is required in his or her professional or
30 occupational capacity to be licensed, certified or endorsed in this
31 State shall, at the time of initial licensure, certification or
32 endorsement:

33 (a) Inform the person, in writing or by electronic
34 communication, of his or her duty as a mandatory reporter pursuant
35 to this section;

36 (b) Obtain a written acknowledgment or electronic record from
37 the person that he or she has been informed of his or her duty
38 pursuant to this section; and

39 (c) Maintain a copy of the written acknowledgment or electronic
40 record for as long as the person is licensed, certified or endorsed in
41 this State.

42 8. The employer of a person who is described in subsection 4
43 and who is not required in his or her professional or occupational
44 capacity to be licensed, certified or endorsed in this State must, upon
45 initial employment of the person:



1 (a) Inform the person, in writing or by electronic
2 communication, of his or her duty as a mandatory reporter pursuant
3 to this section;

4 (b) Obtain a written acknowledgment or electronic record from
5 the person that he or she has been informed of his or her duty
6 pursuant to this section; and

7 (c) Maintain a copy of the written acknowledgment or electronic
8 record for as long as the person is employed by the employer.

9 9. Before a person may serve as a volunteer at a public school
10 or private school, the school must:

11 (a) Inform the person, in writing or by electronic
12 communication, of his or her duty as a mandatory reporter pursuant
13 to this section and NRS 392.303;

14 (b) Obtain a written acknowledgment or electronic record from
15 the person that he or she has been informed of his or her duty
16 pursuant to this section and NRS 392.303; and

17 (c) Maintain a copy of the written acknowledgment or electronic
18 record for as long as the person serves as a volunteer at the school.

19 10. *This section does not apply to a victim's advocate*
20 *designated by the board of trustees of a school district or the*
21 *governing body of a charter school pursuant to section 19 of this*
22 *act.*

23 **11.** As used in this section:

24 (a) "Private school" has the meaning ascribed to it in
25 NRS 394.103.

26 (b) "Public school" has the meaning ascribed to it in
27 NRS 385.007.

28 **Sec. 35.** The provisions of subsection 1 of NRS 218D.380 do
29 not apply to any provision of this act which adds or revises a
30 requirement to submit a report to the Legislature.

31 **Sec. 36.** The provisions of NRS 354.599 do not apply to any
32 additional expenses of a local government that are related to the
33 provisions of this act.

34 **Sec. 37.** 1. This section becomes effective upon passage and
35 approval.

36 2. Sections 1 to 36, inclusive, of this act become effective:

37 (a) Upon passage and approval for the purpose of adopting
38 regulations and performing any preparatory administrative tasks that
39 are necessary to carry out the provisions of this act; and

40 (b) On July 1, 2022, for all other purposes.



